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761551N25A - SH - AD - 32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

Date: December 27, 2012
File No.: 910-08372-1442-054

FROM: WILLIAM J. MCSWEENEY, CHIEF DETECTIVE DIVISION

TO: LEROY D. BACA SHERIFF

SUBJECT: **LETTER OF OPINION ON DEPUTY INVOLVED SHOOTING**

The attached Letter of Opinion was received from the District Attorney's Office regarding the case involving Deputy Alexander Khasaempanth #[redacted]

STATION: Industry

DATE / TIME OF SHOOTING: June 15, 2010, 1041 Hours

SUSPECT: BARAJAS, Alejandro
MH/29 (Injured – In–Custody)

LOCATION: [redacted]Sandalwood Avenue
East Valinda (Unincorporated Area)

DISTRICT ATTORNEY'S CONCLUSION:

"The evidence examined in this investigation shows that Deputy Alexander Khasaempanth was preparing to contact Barajas regarding a [redacted] disturbance. Without warning, Barajas attacked Deputy Khasaempanth, causing the deputy to drop his service weapon. As the two struggled, Barajas grabbed the deputy's firearm. Barajas fired one round before Deputy Khasaempanth was able to retain sole possession of his handgun. Barajas again attacked Deputy Khasaempanth. Deputy Khasaempanth, injured and in fear for his own life, fired one round at Barajas, wounding him."

"We conclude that Deputy Alexander Khasaempanth was placed in reasonable fear of imminent danger of death or great bodily injury by Jose Alejandro Barajas's actions and acted lawfully in self-defense when he used deadly force against Barajas. We are therefore closing our file and will take no further action in this matter."

WJM:DS:no





LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

November 21, 2012

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 10-0457
LASD File # 910-08372-1442-054

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 15, 2010, non-fatal shooting of Jose Alejandro Barajas, by Los Angeles County Sheriff's Deputy Alexander Khasaempanth. It is our conclusion that Deputy Khasaempanth acted in lawful self-defense.

The District Attorney's Command Center was notified of this shooting on June 15, 2010, at approximately 11:44 a.m. The District Attorney Response Team, comprised of Deputy District Attorney Amy Pellman Pentz and District Attorney Senior Investigator [redacted] responded and was given a briefing and walk-through of the scene.

The following analysis is based on reports submitted to our office by Sergeant John Fredendall of the Los Angeles County Sheriff's Department (LASD), Homicide Bureau. No departmentally compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On June 15, 2010 at approximately 10:35 a.m., Deputy Alexander Khasaempanth was working a single man unit in full uniform driving a marked black and white patrol vehicle. He responded to a radio call of a [redacted] disturbance in the area of Lew Avenue and Hemphill Street in the unincorporated area of East Valinda. While en route, additional information was broadcast indicating that the suspect was armed with a hammer and was wearing a black shirt and black pants.

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us

When Deputy Khasaempanth arrived at the location he learned that the suspect had left the location and was last seen on foot eastbound toward Sandalwood Avenue. Deputy Khasaempanth drove east on Hemphill Street toward Sandalwood Avenue where he spotted the suspect, later identified as Jose Alejandro Barajas, wearing a black shirt and black jeans walking south on the east sidewalk of Sandalwood Avenue just south of Hemphill Street.

Deputy Khasaempanth drove south on Sandalwood Avenue and stopped his patrol car near the rear of a white car parked along the east curb of the street. Khasaempanth exited his car, stood next to his patrol vehicle and began to remove his service weapon. Barajas, without warning, charged Khasaempanth, wrapping his arms around the deputy and knocking his duty weapon to the ground. Barajas began to strike Deputy Khasaempanth with his fists and feet. Deputy Khasaempanth fought back and a struggle ensued.

As he struggled, Deputy Khasaempanth located his weapon lying in the gutter approximately three feet away. Barajas lunged for the deputy's firearm, grabbing the gun with both hands. Deputy Khasaempanth tried to regain control of his weapon by placing his hands over Barajas's hands. Khasaempanth ordered Barajas to "stop fighting" and to "get your hands off my gun." Barajas ignored these commands and continued to fight for possession of the deputy's gun. As they struggled, Barajas fired one round from the firearm.

Deputy Khasaempanth held onto his gun and kneed Barajas several times in his back. Barajas released his grip of the firearm and Khasaempanth was able to recover possession of his weapon. Barajas pushed Khasaempanth, causing him to fall backwards. Deputy Khasaempanth struck the back of his head on the pavement, stunning him.

Deputy Khasaempanth's vision was blurred as a result of the fall. Khasaempanth saw Barajas again come after him. In response, Deputy Khasaempanth fired one shot at Barajas, hitting Barajas in the leg. Barajas fell to the ground momentarily and again stood up. Khasaempanth attempted to control Barajas at gun point, repeatedly ordering Barajas to "Stop!" At this point, additional deputies began to arrive to aid Deputy Khasaempanth.

Deputies [redacted], [redacted], and [redacted] assisted Khasaempanth in handcuffing Barajas. During this time, Barajas was struggling with and attempting to kick the deputies. Once handcuffed, Barajas continued to fight with the deputies, ignoring their orders to stop struggling. The deputies then used a Rip Hobble to control Barajas's legs. Once secured, they rolled Barajas onto his side. At that point, the deputies noticed that Barajas had sustained a gunshot would to his leg.

The deputies called for a rescue ambulance to treat Barajas's injury. The paramedics responded and transported Barajas to County USC Medical Center. Barajas was treated for a gunshot wound to his right thigh. He survived his injuries.

Deputy Khasaempanth sustained several injuries during this incident. He suffered an abrasion with moderate swelling to the upper left back portion of his scalp. In addition, he had abrasions

to both knees and injuries to three of his fingers. He was treated at the hospital and released.

Deputy Khasaempanth was armed with a Berreta 92FS 9mm semiautomatic handgun. This firearm has a maximum capacity of 16 total rounds. After the incident, Deputy Khasaempanth's weapon was loaded with 12 live rounds in the magazine and one round in the chamber. Two 9mm casings were found at the scene.[1]

On June 18, 2010, Investigators interviewed Barajas while he was at County USC Medical Center. Barajas told investigators that he smoked "a lot" of methamphetamine that day and he was "tripping out" during this incident. He recalled getting into an argument with his [redacted] and [redacted] but could not recall the subject matter of the argument. During this argument he had a hammer in his pocket. At some point, he ran from his house, heading east on Hemphill Street towards Sandalwood Avenue.

Barajas saw the deputy get out of his car and heard the deputy's commands to get down on the ground. Believing that the deputy was a demon, Barajas did not follow these orders. Rather, he began to "man down my position, hold my ground." Barajas told investigators that he wanted to get the gun so that he could make the demon leave him alone. When both of their hands were on the gun, Barajas's finger tensed and a shot went off. As they continued to struggle, the deputy overpowered Barajas and shot him in the leg. When questioned as to why the deputy would shoot him, Barajas said "because I was hostile, paranoid, and so scared of everything. He was probably doing what he had to do."

At the time of this incident, Barajas was 19 years old, stood 5'7" tall, and weighed 230 pounds. Barajas was prosecuted for his actions in case number KA090989. On August 15, 2012, he was convicted of a violation of Penal Code section 245(a)(2), assault with a firearm on a peace officer and sentenced to 15 years in state prison.

LEGAL ANALYSIS

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. CALCRIM No. 505. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal.App.2d 577.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight…The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about

[1] Deputy Khasaempanth believed that his firearm was loaded with a total of 16 rounds, but was not sure. An analysis of the scene and weapon recovered revealed that his weapon was loaded with a total of 15 live rounds.

the amount of force that is necessary in a particular situation. Graham v. Conner (1989) 490 U.S. 386, 396-397.

CONCLUSION

The evidence examined in this investigation shows that Deputy Alexander Khasaempanth was preparing to contact Barajas regarding a [redacted] disturbance. Without warning, Barajas attacked Deputy Khasaempanth, causing the deputy to drop his service weapon. As the two struggled, Barajas grabbed the deputy's firearm. Barajas fired one round before Deputy Khasaempanth was able to retain sole possession of his handgun. Barajas again attacked Deputy Khasaempanth. Deputy Khasaempanth, injured and in fear for his life, fired one round at Barajas, wounding him.

We conclude that Deputy Alexander Khasaempanth was placed in reasonable fear of imminent danger of death or great bodily injury by Jose Alejandro Barajas's actions and acted lawfully in self-defense when he used deadly force against Barajas. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Amy Pentz

AMY PELLMAN PENTZ
Deputy District Attorney
(213) 974-3888

c: Alexander Khasaempanth #[redacted]

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
06/15/10	FORIII / Industry Station	☐	☒

Incident Information

URN: 910-08372-1442-054	Date: 06/15/10 Time: 1041 Hours
City or Station: Industry Station	Nature of Incident: Deputy Khasaempanth shot Suspect Barajas during a fight over control of his firearm.
Location: [redacted] Sandalwood Avenue, East Valinda	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, (Street) — circled: Street. Other: ______

Lighting (*circle only one*): Darkness, Daylight, Other, Street Lights — circled: Daylight

Weather (*circle only one*): Clear, Cloudy, Fog, Rain — circled: Clear

Distance:

Incident Type (*circle one or more*): Accidental, Armed Person, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______ — circled: Gun Take Away, Struggle Involved

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, Other, Search Warrant, Two Person Unit — circled: Call

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, Routine Patrol — circled: Routine Patrol

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
1	1	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I.	
Street A[redacted]	City [redacted]	Zip C[redacted]	[redacted]	[redacted]	
Last Name [redacted]		First Name [redacted]		M.I.	
Street Ad[redacted]	City [redacted]	Zip C[redacted]	Work Ph	[redacted]	
Last Name [redacted]		First Name [redacted]		M.I.	
Street Addre[redacted]	City [redacted]	Zip C[redacted]	[redacted]	[redacted]	

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*):
[redacted]	[redacted]	[redacted]	[redacted]	On Duty (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Bedoya	Ernest	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Boucher	Riussell	D

PSTD Use Only
SH # 2268662

Officer Involved Shooting

URN: 910-08372-1442-054

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
06/15/10	1235 Hours	11/24/10	

Employee #	Last Name	First Name	M.I
[redacted]	Allen	Victor	M.
[redacted]	Adler	Kelly	L.
[redacted]	Ault	Alicia	E.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC						
S#1	E#1	RS						
S#1	E#1	PH					LC	HE
S#1	E#1	FH	BR	9			NN	
E#1	S#1	PH					NN	HD
E#1	S#1	PK					NN	BK
E#1	S#1	FH	BR	9	Y	Y	GS	LE

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 910-08372-1442-054

Involved Employee

E 1

Employee # [redacted] | Last Name: Khasaempanth | First Name: Alexander | M.I.:

Sex: M | Race: W | Rank: Deputy | Unit Assignment: Industry Station | Work Assignment (Unit #, Module, etc.): 144F2

ShiftTime (*circle only one*): EM PM (Day) [circled] | ShiftType (*circle only one*): (Regular) [circled] Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: Queen of the Valley | Coroner Case? ☐ | Coroner Case # | Interviewed? ☒

Hrs of sleep prior to shooting: | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) [circled] | Other Factors:

Age: [redacted] | Height: 510 | Weight: 220

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted]

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I.

E __

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E __

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

Officer Involved Shooting
Suspect Information

URN: 910-08372-1442-054

Suspect Information

S 1

Last Name: Barajas	First Name: Jose	M.I.: A
AKA Last Name: Figueroa	First Name: Jose	M.I.

Sex: M Race: H	Street Address: [redacted]	City [redacted]	[redacted] Zip [redacted]
Work Phone: [redacted]	Ho[redacted]	Social Secu[redacted]	Driver's Licen[redacted]
Age: 19 D.O.B. 01/31/91	Height: 507 Weight: 230	FBI # [redacted]	CII # [redacted]
Booking # 2369205	Primary Charge: 664/187(a) PC	Secondary Charge: 245(d)(2) PC	
Coroner Case? ☐	Coroner Case # N/A	Intoxication/Drug Usage? ☒	Substance Used: Methamphetamine
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make N/A	Model: N/A	Year: N/A	

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:	

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:	

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:	

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: ON-DUTY, HIT SHOOTING
SIGNIFICANT USE OF FORCE, TARP, IMPACT WEAPON

IAB FILE NUMBERS: SH2268662 / FO2275372

URN#: 910-08372-1442-054

DATE / TIME: TUESDAY, JUNE 15, 2010, 1041 HOURS

LOCATION: [redacted] SANDALWOOD AVENUE, EAST VALINDA

INVOLVED DEPUTY: DEPUTY ALEXANDER KHASAEMPANTH #[redacted]
INDUSTRY SHERIFF STATION

DEPUTY [redacted] #[redacted]
[redacted]

DEPUTY [redacted] #[redacted]
INDUSTRY SHERIFF STATION

DEPUTY [redacted] #[redacted]
INDUSTRY SHERIFF STATION

SERGEANT [redacted] #[redacted]
SAN DIMAS STATION (ON LOAN TO INDUSTRY)

DEPUTY [redacted] #[redacted]
TRAINING BUREAU (ON LOAN TO INDUSTRY)

SUSPECT: JOSE ALEJANDRO BARAJAS MH/19
(IN-CUSTODY)

Opening Statement

On Tuesday, June 15, 2010, Internal Affairs Investigators Sergeant Victor Allen, Sergeant Kelly Adler and Lieutenant Alicia Ault responded to the County area of East Valinda regarding an on-duty hit shooting which resulted in a single gun shot wound to Suspect Jose Barajas. The Office of Independent Review was notified and Attorney Ben Jones responded to the scene.

Synopsis

On June 15, 2010, Deputy Alexander Khasaempanth, Unit 144F2, received a [redacted] disturbance call to [redacted] in [redacted] Assisting him on the call was Deputy Marianne Oliver, Unit 144F. They drove in tandem to the call. While en route, the call was upgraded to an assault with a deadly weapon. The information in the call indicated a male was assaulting his [redacted] with a hammer. Prior to Deputies Khasaempanth and Oliver arriving on the scene, they received information the suspect in the call had left the location.

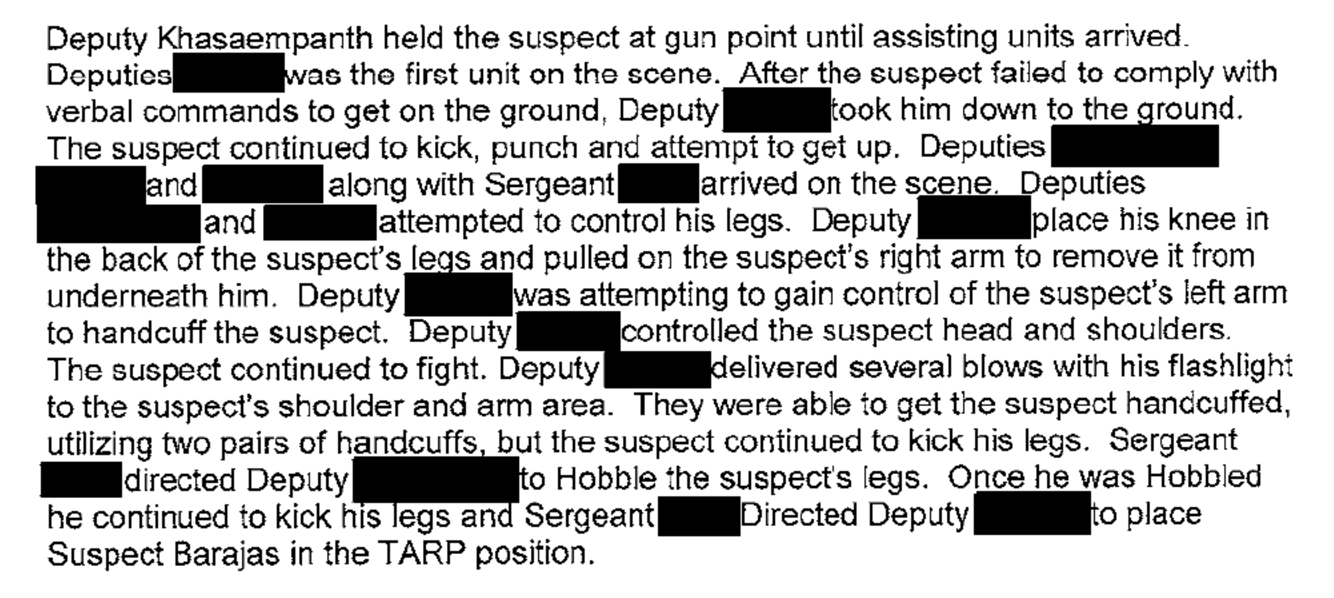
Deputy Khasaempanth directed Deputy Oliver to contact the informant, determine if a crime occurred and to broadcast the information. Deputy Khasaempanth drove to the area where the suspect was last seen to look for the suspect.

Deputy Khasaempanth was driving southbound on Sandalwood Avenue from Hemphill Street, when he saw a Male Hispanic who matched the clothing description of the suspect. Deputy Khasaempanth immediately stopped his marked radio car and exited to make contact with the suspect. Refer to photo #1 **[Exhibit B]** to see Deputy Khasaempanth's (K/1) and the suspect's (S/1) position. Before he was able to give the suspect any commands, the suspect quickly turned and ran at Deputy Khasaempanth. Deputy Khasaempanth believing the suspect was armed with a hammer, drew his handgun. The suspect was able to close the distance and wrap his arms around Deputy Khasaempanth as Deputy Khasaempanth was bringing his weapon up. The suspect's actions caused Deputy Khasaempanth to lose control of his weapon. The weapon landed in the gutter on the east side of the street.

Deputy Khasaempanth was taken down to the ground by the suspect. He tried to control the suspect, but the suspect was able to break Deputy Khasaempanth's grasp. The suspect reached for the Deputy Khasaempanth's gun which was laying in the gutter of the street. Deputy Khasaempanth reached for the suspect's hand to prevent him from gaining control of the weapon. Initially, Deputy Khasaempanth was only able to grab the suspect's hands with his right hand, because his left hand was pinned under the suspect's body. The suspect had both hands on the gun. As they struggled for control of the gun, the suspect was trying to turn the muzzle of the gun toward Deputy Khasaempanth. The suspect was able to fire one round from the gun. The gun was

pointed north when it was fired.

Deputy Khasaempanth tried to pry the suspect's hand off the gun. He began to knee the suspect in the back and was eventually able to pry the suspect's hands off the gun. The suspect pushed Deputy Khasaempanth backwards causing him to hit the back of his head in the street. Deputy Khasaempanth was dazed from hitting his head, but he did not lose consciousness. Deputy Khasaempanth saw the suspect charging toward him again. Believing the suspect was attempting to take his gun from him again and use it to take his life, Deputy Khasaempanth fired one round from his Beretta 92F handgun striking the suspect in the leg.



Deputy Khasaempanth held the suspect at gun point until assisting units arrived. Deputies [redacted] was the first unit on the scene. After the suspect failed to comply with verbal commands to get on the ground, Deputy [redacted] took him down to the ground. The suspect continued to kick, punch and attempt to get up. Deputies [redacted] and [redacted] along with Sergeant [redacted] arrived on the scene. Deputies [redacted] and [redacted] attempted to control his legs. Deputy [redacted] place his knee in the back of the suspect's legs and pulled on the suspect's right arm to remove it from underneath him. Deputy [redacted] was attempting to gain control of the suspect's left arm to handcuff the suspect. Deputy [redacted] controlled the suspect head and shoulders. The suspect continued to fight. Deputy [redacted] delivered several blows with his flashlight to the suspect's shoulder and arm area. They were able to get the suspect handcuffed, utilizing two pairs of handcuffs, but the suspect continued to kick his legs. Sergeant [redacted] directed Deputy [redacted] to Hobble the suspect's legs. Once he was Hobbled he continued to kick his legs and Sergeant [redacted] Directed Deputy [redacted] to place Suspect Barajas in the TARP position.

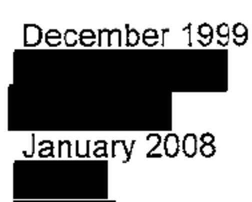
Suspect Barajas was medically treated at the scene by paramedics from Los Angeles County Fire Department. At the request of the paramedics, the TARP was removed to aid in Suspect Barajas's treatment. Subsequently, he was transported to Los Angeles County U.S.C. Medical Center for further treatment.

Criminal Complaint

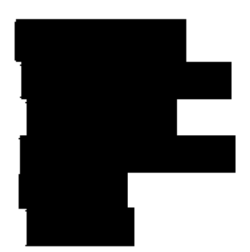
On June 17, 2010, The Los Angels County District Attorney's office filed four FELONY counts against Suspect Barajas. He was charged with one count of Attempt Murder on a Peace Officer, 664/187 PC, one count of Assault with a Deadly weapon on a Peace Officer, 245(D)(2) PC and two counts of Assault with a Deadly weapon on a Peace Officer, 245(C) PC.

Involved Personnel

Deputy Alexander Khasaempanth #[redacted]
Industry Station, Field Operations Region III

Work History

Date of Employment: December 1999
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Date Assigned to Industry Station: January 2008
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incident(s): [redacted]

Deputy [redacted] **#**[redacted]
[redacted]

Work History

Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Date Assigned to Industry Station: [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incident(s): [redacted]

Deputy [redacted] **#**[redacted]
Industry Station, Field Operations Region III

Work History

Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Date Assigned to Industry Station: [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incident(s): [redacted]

Deputy [redacted] **#**[redacted]
Industry Station, Field Operations Region III

Work History

Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Date Assigned to Industry Station: [redacted]



Prior Shooting Incident(s): [redacted]
Prior Founded Force Incident(s): [redacted]

Sergeant [redacted] #[redacted]
San Dimas Station, Field Operations Region III
On Loan to Industry Station



Work History
Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Date Assigned to San Dimas Station: [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incident(s): [redacted]

Deputy [redacted] #[redacted]
Training Bureau



Work History
Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Date Assigned to Training Bureau: [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incident(s): [redacted]

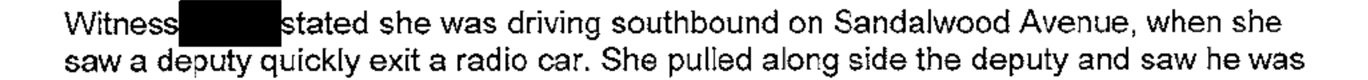
Suspects

Jose Alejandro Barajas MH/19
DOB 01-31-1991
Booking Number 2369205

Witnesses

The following civilian witnesses were interview homicide investigators. A complete summary of their interviews can be found on the indicated pages. Below is a synopsis of those interviews.

[redacted]



Witness [redacted] stated she was driving southbound on Sandalwood Avenue, when she saw a deputy quickly exit a radio car. She pulled along side the deputy and saw he was

involved in a fight. Witness [redacted] said she saw a gun fall out when the deputy and suspect fell to the ground. She saw the suspect reaching for the gun and put his right hand on top of it. She believed the suspect "got a grip on it." She became frightened and drove away. Witness [redacted] said she feared the deputy was going to be shot. Witness [redacted] stated she was three to four houses away when she heard a gunshot. She called 911 from her cellular phone. Refer to pages 62 -63 of the Homicide Investigation Book **[Exhibit A]** for a complete summary of her statement.

[redacted]

Witness [redacted] stated she was in her home when she heard a "pop" and followed her [redacted] (Witness [redacted]) outside. She saw the suspect running toward a deputy ignoring his commands to stop. She said the deputy was walking away from the suspect while repeating his commands. Witness [redacted] said the deputy shot the suspect as he continued to advance and ignored the deputy's commands to stop. Refer to pages 64 -65 of the Homicide Investigation Book **[Exhibit A]** for a complete summary of her statement.

[redacted]

Witness [redacted] stated he was in his home with his [redacted] (Witness [redacted] when he heard a gunshot. He went outside and saw a deputy struggling on the ground with the suspect. He stated he heard the deputy giving commands to the suspect stop. The suspect did not comply. Witness [redacted] said he ran toward the suspect and yelled to distract him. At that time, Witness [redacted] said the deputy and the suspect separated. He said the suspect advanced toward the deputy while swing at him. The deputy continued to give the suspect commands, but the suspect failed to comply. Witness [redacted] said the deputy shot the suspect in the leg. Refer to pages 65 -67 of the Homicide Investigation Book **[Exhibit A]** for a complete summary of his statement.

[redacted]

Witness [redacted] stated he was inside the front bedroom of his [redacted] house [redacted]). He said he looked out the window and saw the deputy following the suspect and giving him orders to get on his knees. Witness [redacted] said the deputy was in his vehicle. Witness [redacted] stated the suspect did not follow the deputy's commands and continued walking. He said the deputy exited his vehicle pointing his gun at the suspect. As the deputy tried to use his radio, Witness [redacted] said the suspect charged the deputy and they began to struggle. During the struggled, Witness [redacted] said the deputy's handgun fell to the ground. He stated he saw the suspect grabbing for the gun. Eventually, Witness [redacted] said both the deputy and the suspect had their hands on the gun. Witness [redacted] said it appeared the suspect was trying to point the gun at the deputy.

He stated he ducked down and heard one gun shot.

Witness [redacted] stated he looked back out the window saw the deputy and suspect still struggling. The deputy was able to get the gun away from the suspect and push him away. Witness [redacted] said the deputy ordered the suspect to get on his knees, but the suspect advanced toward the deputy. He said the deputy shot the suspect in the leg. Refer to pages 65 -66 of the Homicide Investigation Book **[Exhibit A]** for a complete summary of his statement.

[redacted]

Witness [redacted] stated he was in his front yard when he heard voices. When he looked in the direction of the voices, he stated he saw a deputy talking to the suspect on the street. The suspect suddenly ran toward the deputy and wrapped his arms around him. Witness [redacted] said the deputy and suspect wrestled then went to ground. He said they were out his view for a while, but he could see the deputy's feet. At this time, Witness [redacted] said he heard a gunshot. He believed the deputy and suspect were fighting over control of the gun.

Witness [redacted] stated he saw them both get up. The deputy appeared to be looking for his gun. The deputy was able to get his gun and ordered the suspect to get back. He stated the suspect did not seem to care and charged the deputy trying to take his gun. Witness [redacted] said the deputy stepped away; However, the suspect charged a third time. He said the deputy took a step back and shot the suspect in the leg to stop the assault. Once additional deputies arrived, Witness [redacted] said the suspect continued to fight them until he was handcuffed. Refer to pages 79-80 of the Homicide Investigation Book **[Exhibit A]** for a complete summary of his statement.

Injuries

Deputy Khasaempanth sustained a concussion, a torn ACL which will require surgery, contusions to the back of his head and ring finger, and scratches to his knee. He suffered from headaches for about six weeks. Refer to the photos in **[Exhibit C]**

Suspect Barajas sustained a single gunshot wound to his upper right leg.

Physical Evidence

All physical evidence was located and collected by Homicide investigators and Scientific Services Bureau personnel. For descriptions of the evidence collected and where it was collected, see the Homicide Investigation Book **[Exhibit A]** pages 38, 39, 69-72 and the photos of the scene **[Exhibit D].**

Investigators Observations

IAB Investigator observed two marked black and white radio cars parked facing southbound on near [redacted] Sandalwood Avenue. In the driveway of [redacted] Sandalwood Avenue was a black clip-on tie and a white athletic shoe was in the street. There were various pieces of clothing in the street to the south of the radio cars.

The scene was further described in detail by Homicide Sergeants John Fredendall and Ken Clark. Refer to pages 74-76 of **[Exhibit A]** for further.

Weapon used by Deputy Khasaempanth

One (1) round fired from a Department authorized "Beretta," 92F, 9mm, semiautomatic handgun. The handgun was examined by Scientific Services and found to be functional. Refer to the Scientific Services report **[Exhibit E]**.

Weapon used by Suspect Barajas

One (1) round fired from a "Beretta," 92F, 9mm, semiautomatic handgun.

Property Damage

None

Criminal Investigator

Homicide Detectives Sergeant Ken Clark and Sergeant John Fredendall

Lighting and Weather Conditions

The incident occurred during daylight hours. The weather was clear and sunny.

IAB Interview of Deputy Khasaempanth

On October 21, 2010, IAB Investigators Victor Allen and Kelly Adler interviewed Deputy Alexander Khasaempanth at Internal Affairs Bureau. The following is a summary of that interview.

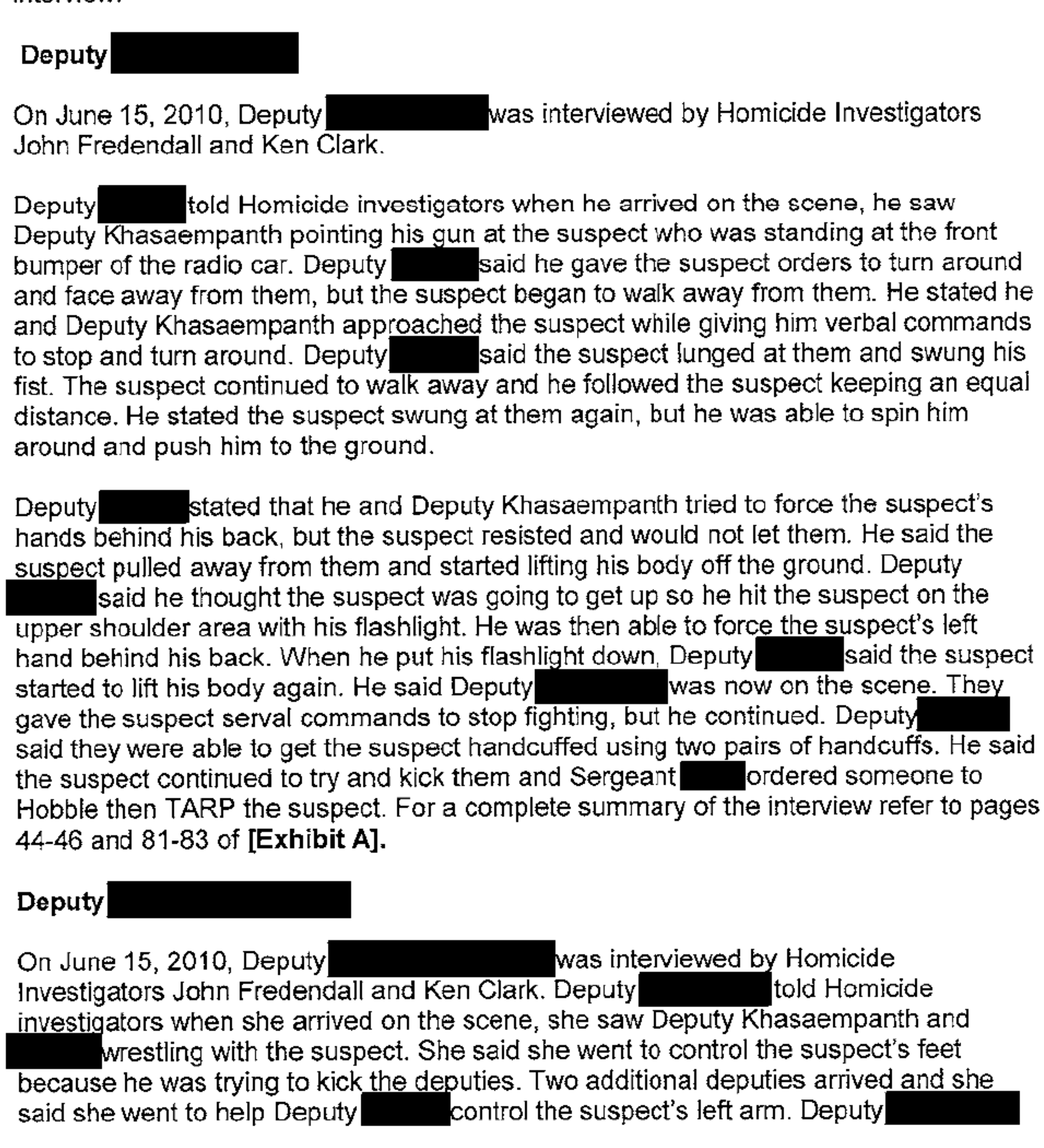
Deputy Khasaempanth stated he had the handle on a [redacted] disturbance call on Lew Street in East Valinda. The original call indicated the [redacted] was arguing with his [redacted]

He said he was responding with his assisting unit (Deputy Oliver, Unit 144F) when the call escalated to the [redacted] was now hitting the [redacted] with a hammer. Deputy Khasaempanth stated he received more information that the [redacted] had left the location.

Deputy Khasaempanth said he directed Deputy Oliver to contact the informant while he checked the area for the suspect. At that time, he said he had information the suspect was wearing a black shirt and black pants. Deputy Khasaempanth said as he drove southbound on Sandalwood Avenue, he saw the suspect on the sidewalk. He said the suspect was about four to five yards away we he first saw him. He said he saw the suspect's clothing, but he did not look nervous. Deputy Khasaempanth indicated the suspect was walking away from him southbound on the east sidewalk. Refer to page 4 of Deputy Khasaempanth's IAB Interview.

Deputy Khasaempanth stated he decided to contact the suspect. As he was getting out of his patrol car, Deputy Khasaempanth said the suspect quickly turned and ran straight at him. Believing this was the suspect with the hammer, Deputy Khasaempanth stated his first reaction was to draw his weapon. He said he drew his gun to a semi-combat position. In the interview Deputy Khasaempanth described his semi-combat position as having his right arm at a ninety-degree angle and he left hand up in front of his face. By this time, Deputy Khasaempanth stated the suspect had closed the distance and wrapped his arms around him and knocked his gun to the ground. Also, Deputy Khasaempanth said this knocked off the mike to his radio which was clipped to his tie. Refer to pages 7-8 of Deputy Khasaempanth's IAB Interview.

Deputy Khasaempanth stated the suspect was bigger and stronger than him and took him down to the ground. He said he was looking for his gun while trying to get a hold of the suspect. He stated he saw his gun in the gutter area of the street. The barrel was facing northbound. Deputy Khasaempanth said the suspect broke his grasp and lunged for the gun. He said he also lunged and landed on top of the suspect with his left hand was now pinned under the suspect. Deputy Khasaempanth said the suspect had two hands on the gun and he had one hand on top of the suspect's hands. He said he was trying to get his left hand free. As he freed his left hand, Deputy Khasaempanth said the suspect was trying to tilt the gun toward him. As the suspect turned the gun, Deputy Khasaempanth said the suspect fired one round. Deputy Khasaempanth said he kneed the suspect in the back to loosen the suspect's grip on the gun. At the same time, Deputy Khasaempanth said he was giving the suspect commands to stop. He saw a resident on the sidewalk and asked him to call 911 because he could not access his radio. Deputy Khasaempanth said the suspect loosened his grip on the gun after the knee strikes and he was able to slip the gun out of the suspects hand. He stated the suspect knocked him backward causing him to strike the back of his head on the street. Although he had blurry vision, Deputy Khasaempanth said he could see the suspect coming toward him again. He said he believed the suspect was going to hit him, try and take his weapon and kill him. Deputy Khasaempanth said he fired one round at the suspect. Deputy Khasaempanth stated he detained the suspect at gunpoint until



additional units arrived. He said he was too exhausted and dizzy to assist with handcuffing. Refer to pages 11-15 of Deputy Khasaempanth's IAB interview.

Deputy Khasaempanth was also interviewed by homicide investigators John Fredendall and Ken Clark. Refer to pages 40-43 and 76-79 of **[Exhibit A]** for a summary of the interview.

Deputy [redacted]

On June 15, 2010, Deputy [redacted] was interviewed by Homicide Investigators John Fredendall and Ken Clark.

Deputy [redacted] told Homicide investigators when he arrived on the scene, he saw Deputy Khasaempanth pointing his gun at the suspect who was standing at the front bumper of the radio car. Deputy [redacted] said he gave the suspect orders to turn around and face away from them, but the suspect began to walk away from them. He stated he and Deputy Khasaempanth approached the suspect while giving him verbal commands to stop and turn around. Deputy [redacted] said the suspect lunged at them and swung his fist. The suspect continued to walk away and he followed the suspect keeping an equal distance. He stated the suspect swung at them again, but he was able to spin him around and push him to the ground.

Deputy [redacted] stated that he and Deputy Khasaempanth tried to force the suspect's hands behind his back, but the suspect resisted and would not let them. He said the suspect pulled away from them and started lifting his body off the ground. Deputy [redacted] said he thought the suspect was going to get up so he hit the suspect on the upper shoulder area with his flashlight. He was then able to force the suspect's left hand behind his back. When he put his flashlight down, Deputy [redacted] said the suspect started to lift his body again. He said Deputy [redacted] was now on the scene. They gave the suspect serval commands to stop fighting, but he continued. Deputy [redacted] said they were able to get the suspect handcuffed using two pairs of handcuffs. He said the suspect continued to try and kick them and Sergeant [redacted] ordered someone to Hobble then TARP the suspect. For a complete summary of the interview refer to pages 44-46 and 81-83 of **[Exhibit A].**

Deputy [redacted]

On June 15, 2010, Deputy [redacted] was interviewed by Homicide Investigators John Fredendall and Ken Clark. Deputy [redacted] told Homicide investigators when she arrived on the scene, she saw Deputy Khasaempanth and [redacted] wrestling with the suspect. She said she went to control the suspect's feet because he was trying to kick the deputies. Two additional deputies arrived and she said she went to help Deputy [redacted] control the suspect's left arm. Deputy [redacted]

said Deputy [redacted] lost control of the suspect arm and hit the suspect several times with his flashlight. When Deputy [redacted] put down the flashlight, she said she tried to place the suspect's left arm in a handcuff. The suspect continued to fight and she lost control of his arm. Deputy [redacted] said she and Deputy [redacted] were able to force the suspect left hand behind his back. She said Deputies Khasaempanth and [redacted] were able to force the suspect's right arm behind his back and secure him with two handcuffs. Deputy [redacted] said she placed the Hobble around the suspect leg's to control them. She brought the Hobble through the handcuffs and another deputy completed the TARP procedure. For a complete summary of the interview refer to pages 52-55 of **[Exhibit A].**

Deputy [redacted]

Deputy [redacted] was interviewed by Homicide Investigators John Fredendall and Ken Clark.

He told Homicide investigators when he arrived on the scene, he saw three deputies wrestling with the suspect on the ground. He said the suspect was trying to kick the deputies and get up from the ground. Deputy [redacted] said he placed a knee in the suspect's back to keep him on the ground and prevent him from kicking. He said he was concerned because the suspect's hands were concealed under his body. He could hear one of the deputies telling the suspect to "stop resisting, stop resisting." Deputy [redacted] said he tried to control the suspect's right arm, but the suspect was very strong and sweaty. Eventually, he said he was able to pin the suspect's arm against his leg. They were subsequently able to get the suspect handcuffed. The suspect continued to kick and fight with them. Sergeant [redacted] gave the order for someone to get the Hobble. Deputy [redacted] said the Hobble was placed around the suspect's legs and he completed the TARP procedure. Refer to pages 50-52 of **[Exhibit A]** for a summary of the interview.

Deputy [redacted]

On November 2, 2010, Deputy [redacted] was interviewed by IAB Investigators Victor Allen and Dondra Cullins. The following is a summary of that interview.

Deputy [redacted] stated he was working unit 147M1 a Sheriff's Motor Unit in the Hacienda Heights area of Industry Station. He was responding to a [redacted] disturbance call when it was updated to an assault with a deadly weapon call. When he arrived at the location, he heard a unit was detaining the suspect at gunpoint on Sandalwood Avenue. He responded to that location and saw two deputies were struggling trying to take the suspect into custody. He said the suspect was face down resisting handcuffing.

Deputy [redacted] said he took a position at the suspect's head. He placed one hand on the suspect's neck and used his free hand to assist in trying to get the suspect's hand from underneath him. He said he was unable to see the suspect right hand. His primary task was to make sure the suspect was not secreting a weapon and assist getting the suspect handcuffed. Eventually, he said they were able to get the suspect handcuff and subsequently TARP'ed.

Sergeant [redacted]

On June 15, 2010, Sergeant [redacted] was interviewed by Homicide Investigators John Fredendall and Ken Clark. He told Homicide investigators when he arrived on the scene, he saw five deputies trying to put the suspect's hands behind his back. Sergeant [redacted] said told Deputy [redacted] to hold the suspect's head still, believing the suspect might try to bite one of the deputies. He said he grabbed the suspect's right arm and tried to force it behind his back. The suspect continued to kick which made it difficult to control his hands. Eventually, the suspect was handcuffed with two pairs of handcuffs. Sergeant [redacted] said the suspect continued to kick so he ordered Deputy [redacted] to get the Hobble. After the suspect was Hobbled, he continued to kick. Sergeant [redacted] said he ordered the suspect to be TARP'ed. For a complete summary of the interview refer to pages 55-56 of **[Exhibit A]**.

Suspect Statements

On June 18, 2010, Suspect Barajas was interviewed by Homicide investigators John Fredendall and Ken Clark at County U.S.C. Medical Center. Suspect Barajas told Homicide investigators he was blurry on the events of that day because he had taken "Meth" (Methamphetamine). He said the effects of the drug were unexpected. He remembered a deputy telling him to "get over here, get your ass on the floor now" Suspect Barajas said "of course I was going to say no, because I thought he was a demon and was going to get me . . . I guess me and him started wrestling."

Suspect Barajas stated he was "trying not to die and to survive." He saw that it was a deputy when they were on the ground. He said the gun went off went he tried to get the deputy's gun. Suspect Barajas said "yeah" when asked if he pulled the trigger. He said he wanted to get the gun to make the deputy leave him alone. Once he got the gun, he said he was going to run away. He said the deputy over powered him and he was shot. He said he did not remember what happened when the other deputies arrived on the scene. For a complete summary of the interview refer to pages 57-61 of **[Exhibit A]**.

Miscellaneous

IAB Lieutenant Alicia Ault checked to see that the Watch Commander, Lieutenant Boucher took reasonable steps to ensure that the involved party and witnesses did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, as well as the involved party and witnesses personnel did not collectively consult with their attorney or representative. In addition, IAB Lieutenant Ault checked to see if the watch commander attempted to have the involved party and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.